

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

BERWICK CLINIC COMPANY,
L.L.C.

No. 22-45589
Chapter 11
Hon. Lisa S. Gretchko

Debtor.

DEBTOR'S STATUS REPORT REGARDING PATIENT CARE

Debtor states,

1. Deborah L. Fish, the Patient Care Ombudsman ("Ombudsman"), filed her First and Second Reports to the Court regarding patient care at Berwick Clinic Company, LLC (the "Clinic").

2. Debtor appreciates the Ombudsman's efforts which have helped to focus the Debtor's resources on important matters identified by the Ombudsman.

3. Since the filing of the chapter 11 bankruptcy¹ and in consultation with the Ombudsman, Debtor has undertaken actions including the following:

¹ Debtor's bankruptcy filing was precipitated by the unsustainable cost structure of the Clinic. Berwick Hospital and family of Debtor's principal had been putting more than \$170,000 per month for payroll and supply costs into the Debtor for the last six months which could not be sustained.

A. Debtor's principal, Priyam Sharma, and Debtor's Director of Operations, Gina DaPippa, have had numerous telephone calls with the Ombudsman and the Ombudsman has met with Ms. DiPippa in Pennsylvania where the physical clinic is located to address patient concerns. Ms. Sharma was in Pennsylvania the day after the bankruptcy filing but had to return to the Debtor's office in Michigan because of COVID.

B. Ms. Sharma has coordinated with one of the former doctors at the Clinic to provide follow up care for patients that he was formerly seeing while employed by Debtor. Dr. Alley is operating at the same physical location, with the same personnel, as he was operating under when he was employed by the Clinic.

C. The closing of various clinics on July 22, 2022, was in large part dictated by the actions of two Nurse Practitioners who without Debtor's authorization canceled their appointments with all of their patients with instructions to tell the patients to await further instructions as to where those two Nurse Practitioners would end up practicing. Two of the NPs who had rendered their resignations (Michelle Hall resigned on June 9, effective date for her resignation was to be Sept 23, 2022. Dallas Riley resigned on June 10, her effective date being September 9, 2022) preemptively canceled the patient appointments without consulting administration and requested that the patients look out for their new practice location. This resulted in a hasty closure of the clinics in Suites 100 and

400 at 751 E. 16th Street in Berwick. Debtor had no plans to close these clinics at

any time in the near future, but were forced to when the NP's took it upon themselves to cancel all of their appointments.

As noted by the email from the Clinic's Office Manager, Melissa Gum to the Clinic's Medical Director, Gina DiPippa, ,

Email from the Clinics' Office Manager:

*"From: Melissa
Gum<melissa.gum@berwickhospitalcenter.com>*

Date: Fri, Jul 22, 2022 at 8:16 AM

Subject: Statement

To: Gina DiPippa <gina.dipippa@berwickhospitalcenter.com>

Gina,

Michelle Hall CRNP and Dallas Riley CRNP both told Trudy Bonham and I to cancel ALL patients that were scheduled for the following dates: 7/20/22, 7/21/22, 7/22/22. Trudy and I were both told to call the patients and tell them that the office was being closed as of 7/22/22 by the hospital. We did ask patients if they needed refills and if they wanted their medical records. Trudy and I were both instructed to tell patients "to keep an eye for advertising in the near future for both providers".

I was told by Michelle and Dallas that they would be spending remaining time in the office to work on their buckets to make sure all patients were taken care of prior to the end of day 7/22/22."

D. Though there were 4739 patients registered in the Clinic, there were only 3,702 patients being seen as of the Petition Date because the Nurse Practitioner who had left prior to the bankruptcy filing had seen 1,027 patients in 7 months in 2022. Accordingly, the rest of all NPs combined saw 3,702 patients. Providers with

approximately 1,000 patients are still employed and hence there is no change in the patient care of these 1,000 patients.

As to the number of “remaining patients”, there are 2,702 patients. 3,702 -1000). Debtor was able to hire back one of the NP’s Verona Roberts, on Friday August 5, 2022. She will be full time from August 15, 2022 on since she is working someplace else as well prior to August 15, 2022. Ms. Roberts had about 660 patients. After she returns in the next few days, the number of “remaining patients” will be further reduced to 2,042.

Based on the previous number of appointments, Debtor anticipates that of those 2,042 patients, 13 of them would be seen daily by our providers. Debtor believes that there is enough capacity in the local medical market to address the needs of these 13 patients per day. In Berwick. there are several other clinics, including Dr. Alley’s Clinic [which was formerly run by Debtor], and the Geisinger Clinics in Berwick, including their walk-in clinic. Also, less than 8 miles away there is Susquehanna Valley Medical Specialties at 6850 Lows Rd, Bloomsburg PA 17815-8708 that has at least 4 Primary care physicians. This clinic is easily accessible to Berwick patients as well. Apart from this, the emergency department in the Berwick hospital is open, and the patients can come to the Emergency Department at any time for their immediate needs. Debtor and the Berwick hospital are both owned by Priyam Sharma.

E. As to specific examples highlighted by the Ombudsman:

i. “one patient had a mastectomy scheduled at the Berwick Hospital in August which was canceled because her provider Dr. Usman was terminated last Friday. **“(Dr. Usman can still perform Surgery and Post-Operative Care in the Hospital. Her insurance and privileges for the hospital are still there. Her professional billing will not be billed by the Clinic, however. That patient can still have the surgery performed.**

ii. “one patient, on life sustaining medications, has seizures that require immediate (but non-emergency room) treatment and advised me that she cannot get into another clinic until October.”**(That patient may be seen next door in the 24/7 emergency department of Berwick Hospital if she requires immediate treatment.)**

iii. “one patient is a diabetic, seen regularly at the clinic, this patient just changed medications and had an appointment scheduled this week (which was canceled) to assess the impact of her new medication.” **(The cancellation was initiated by 2 of our former NP’s without our authorization or knowledge which resulted in several of the clinics being prematurely closed. The patient may receive follow up from either the NP’s who canceled her appointment, or from the new NP that we have hired back).**

F. The Debtor negotiated with Dr. Guerriero to (i): contact patients with pending lab results to provide the results and order follow-up diagnostics, if necessary; (ii) fill all non-controlled substance medications for the clinic

patients and (iii) to provide one 30 day prescription for controlled substances. Debtor has spoken to Dr. Alley who has agreed to fill the prescriptions for patients under the age of 18, and has indicated that he will resume his patient load that he had while employed at the Clinic. Debtor has assisted Dr. Alley (who was employed by the Debtor until July 22, 2022) at his walk- in by providing him a Nurse Practitioner, Verona Roberts, who has been rehired. This NP will allow the clinic to see more patients.

G. A letter has been sent out to all patients informing them of the status of the Clinic and how to get their medical records if needed. A team has already been assigned to oversee the medical records request. The Debtor maintains an electronic medical record system. Debtor will out-source some of the medical records requests to Infrahealth. Any paper medical records remaining at the clinics were removed for storage to the hospital. Patients can request their Medical Records on-line at the hospital web-site, in person at the Berwick Hospital, or by calling 570-759-5071. Debtor anticipates that the requests for medical records will be caught up this week.

The website has also been modified to make it easier to request medical records. On July 31, Debtor posted on its web-site the following information:

Berwick Clinic Company
570-759-5071
Request Medical Records
Prescription Refills - Adults
Lab Results

Alley Medical Center
Dr. Albert Alley
570-759-0351

Walk-in Clinic for Adults and Pediatrics Prescription Refills –
Adults and Pediatrics Immunizations – Adults and Pediatrics

Wound Care
Michael Levandowski, CRNP
570-759-0262

Vascular Center
Dr. John Guerriero
570-759-0708

The Debtor has advised me that it will place a notice in the newspaper and has sent a letter to all patients providing formal notice of the closure.

Debtor is committed to working with the Ombudsman, the Office of the United States Trustee, and the Subchapter V Trustee in maximizing patient care, and the value of the Debtor's assets for the benefit of the Estate.

Respectfully submitted,

 /s/ Robert Bassel
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Dated 8.8.2022